

**STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION**

AMEREN TRANSMISSION COMPANY OF ILLINOIS	)	
	)	
Petition for a Certificate of Public Convenience and	)	
Necessity, pursuant to Section 8-406.1 of the Illinois	)	Docket No. 12-0598
Public Utilities Act, and an Order pursuant to Section 8-	)	
503 of the Public Utilities Act, to Construct, Operate and	)	
Maintain a New High Voltage Electric Service Line and	)	
Related Facilities in the Counties of Adams, Brown,	)	
Cass, Champaign, Christian, Clark, Coles, Edgar, Fulton,	)	
Macon, Montgomery, Morgan, Moultrie, Pike,	)	
Sangamon, Schuyler, Scott and Shelby, Illinois.	)	

**MOTION OF AMEREN TRANSMISSION COMPANY OF ILLINOIS  
TO STRIKE THE REBUTTAL TESTIMONY ON REHEARING OF DAN LONG AND  
JULIE MILLER INSTANTER**

The ALJs recently struck most of Mr. Long’s direct testimony, and *all* of Ms. Miller’s direct testimony, as beyond the scope of rehearing. (Notice of ALJ Ruling (Nov. 27, 2013).)

These witnesses’ rebuttal testimony is, by and large, the same testimony that has already been stricken. The testimony should be stricken again—for the same reasons it was stricken earlier.

Accordingly, by this motion, ATXI respectfully requests a ruling striking the following testimony:

- PDM-MZ 3.0, page 7, line 7 through page 13, line 29; and
- PDM-MZ 4.0 in its entirety.

**ARGUMENT**

**A. Most of Mr. Long’s rebuttal testimony is beyond the scope of rehearing.**

A significant portion of Mr. Long’s testimony is simply a repeat of his stricken direct. (See Attachment A.) Although Mr. Long repeatedly inserts the phrase “the substations described [or discussed or proposed] by Mr. Hackman” throughout his rebuttal testimony, much of Mr. Long’s testimony overlaps or simply repeats his previously stricken direct testimony. Reference

to Mr. Hackman does not transform Mr. Long's previously stricken testimony into testimony now within the scope of rehearing. His discussion of cost recovery issues remains improper, irrelevant and outside the scope of rehearing for the same reasons set forth in ATXI's original motion to strike. (*See* Attachment B.)

**B. All of Ms. Miller's testimony is beyond the scope of rehearing.**

Like Mr. Long, Ms. Miller simply repeats her previously stricken direct testimony. (*See* Attachment C.) Other than a few revisions to the introduction section, the questions and answers in Ms. Miller's testimony have been copied verbatim from her direct testimony. The substance of Ms. Miller's testimony has not changed. She continues to raise issues the ALJs have already deemed beyond the scope of rehearing. For instance, pages 4 and 5 present a series of questions about a water main investment in Mt. Zion. (PDM-MZ Ex. 4.0, pp. 4-5.) We are told the proposed transmission line would be "across the road" from the water main. (*Id.*) But we are not told why this would be a problem—or even if it is a problem. The witness makes no attempt to connect this discussion to any outstanding issue concerning the location of the Mt. Zion substation. The last series of questions and answers starts at the bottom of page 5 and addresses "major changes" the witness speculates might be happening at a PPG plant. How or why this is relevant is again left unexplained.

To be admissible, Mt. Zion's testimony must be "logically connected" to the issues on rehearing. As it pertains to the Mt. Zion area, the only issues for which rehearing was granted are where to place the substation and where to connect the remaining portion of the Mt. Zion to Kansas line. The testimony of Ms. Miller is not germane to these issues and must therefore be stricken in its entirety.

## **CONCLUSION**

Mr. Long and Ms. Miller's rebuttal testimony is simply another attempt at delivering their previously stricken direct testimony on rehearing. As the ALJs excluded this testimony as outside the scope of rehearing, relabeling it rebuttal does not make it admissible. ATXI respectfully requests that this motion be granted and that the rebuttal testimony of Mr. Long and Ms. Miller be stricken.

Dated: December 9, 2013

Respectfully submitted,

Ameren Transmission Company of Illinois

/s/ Albert D. Sturtevant

One of their Attorneys

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**CERTIFICATE OF SERVICE**

I, Albert D. Sturtevant, an attorney, certify that on December 9, 2013, I caused a copy of the foregoing *Motion of Ameren Transmission Company of Illinois to Strike the Rehearing Testimony on Rehearing of Dan Long and Julie Miller Instanter* to be served by electronic mail to the individuals on the Commission's Service List for Docket 12-0598.

/s/ Albert D. Sturtevant

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